

ESTTA Tracking number: **ESTTA684464**

Filing date: **07/17/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Wonderful Citrus LLC fka Paramount CitrusLLC
Granted to Date of previous extension	07/19/2015
Address	11444 W. Olympic Blvd. 7th Floor Los Angeles, CA 90064 UNITED STATES
Party who filed Extension of time to oppose	Paramount Citrus LLC
Relationship to party who filed Extension of time to oppose	company name change
Attorney information	Darya P. Laufer 11444 W. Olympic Blvd. 7th Floor Los Angeles, CA 90064 UNITED STATES danielle.criona@roll.com, mark.rivera@roll.com, darya.laufer@roll.com

Applicant Information

Application No	86375060	Publication date	01/20/2015
Opposition Filing Date	07/17/2015	Opposition Period Ends	07/19/2015
Applicant	Quality Fresh Farms, Inc. Suite 114 Fresno, CA 93711 UNITED STATES		


Goods/Services Affected by Opposition

Class 031. First Use: 2012/09/12 First Use In Commerce: 2012/09/17 All goods and services in the class are opposed, namely: Fresh fruit and vegetables
Class 039. First Use: 2012/09/12 First Use In Commerce: 2012/09/17 All goods and services in the class are opposed, namely: Warehousing services, namely, storage, distribution, pick-up, packing, and shipping of fresh fruit and vegetables

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3934863	Application Date	11/10/2008
Registration Date	03/22/2011	Foreign Priority Date	NONE
Word Mark	PARAMOUNT CITRUS		
Design Mark			
Description of Mark	The mark consists of an orange growing between two leaves with the stylized wording "PARAMOUNT CITRUS" beneath the design element.		
Goods/Services	Class 031. First use: First Use: 2008/06/01 First Use In Commerce: 2008/06/01 Fresh citrus fruits		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	paramount citrus & design		
Goods/Services	storage, distribution, pick-up, packing, and shipping of fresh citrus fruit		

Attachments	77611305#TMSN.png(bytes) Quality Fresh Opp.pdf(91720 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Darya P. Laufer/
Name	Darya P. Laufer
Date	07/17/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Wonderful Citrus LLC f/k/a Paramount
Citrus LLC

Opposer,

v.

Quality Fresh Farms, Inc.

Applicant.

) Opposition No.: _____

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) Mark: Q + design

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) Application Ser. No.:

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86/375,060

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January 20, 2015

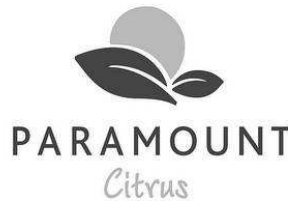
NOTICE OF OPPOSITION

Wonderful Citrus LLC, formerly known as Paramount Citrus LLC, a Delaware limited liability company located and doing business at 11444 W. Olympic Blvd., Los Angeles, CA 90064 (“Opposer”), believes it will be damaged by the registration of the Quality Fresh Farms, Inc. design trademark in Class 31 for “fresh fruits and vegetables” and Class 39 for “warehousing services, namely, storage, distribution, pick-up, packing, and shipping of fresh fruit and vegetables” in Application Serial No. 86/375,060 (the “Application” or the “Quality Fresh Circle Leaf Mark”), filed by Quality Fresh Farms, Inc., located at 2416 W Shaw Ave., Fresno, California, 93711-3303 (“Applicant”), and hereby opposes the same.

As grounds for this Opposition, Opposer alleges:

1. Opposer is the largest grower and processor of citrus fruits in the United States offering fresh citrus fruit and storage, distribution, pick-up, packing, and shipping of fresh citrus fruit, among other services. (“Opposer’s Goods and Services”).

2. Opposer owns United States trademark registration number 3934863 for “fresh citrus fruits”, shown below, with a priority date of June 1, 2008, which it uses in connection with Opposer’s Goods and Services (the “Paramount Circle Leaf Mark”). This registration is valid and subsisting.



3. Applicant filed for the Quality Fresh Circle Leaf Mark shown below with the United States Patent and Trademark Office (“USPTO”) on August 22, 2014 in International Class 31 for “fresh fruits and vegetables” and in International Class 39 for “warehousing services, namely, storage, distribution, pick-up, packing, and shipping of fresh fruit and vegetables” (“Applicant’s Goods and Services”), claiming a date of first use in interstate commerce September 12, 2012 for all of Applicant’s Goods and Services.



4. Since long before Applicant’s September 12, 2012 claimed first use date, Opposer has

been offering for sale, selling and marketing Opposer's Goods and Services in connection with its Paramount Circle Leaf Mark and has built valuable goodwill associated with, and symbolized by, its Paramount Circle Leaf Design Mark.

5. Applicant's use of the Quality Fresh Circle Leaf Mark for Applicant's Goods in International Class 31 and Class 32 is without Opposer's consent or permission.

6. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant had made actual use of the Quality Fresh Circle Leaf Mark in the United States prior to the September 12, 2012 first use date set forth in the Application.

COUNT I - LIKELIHOOD OF CONFUSION

7. Opposer incorporates the allegations of Paragraphs 1 through 6 herein by reference.

8. Applicant's use of the Quality Fresh Circle Leaf Mark on Applicant's Goods and Services is likely to cause confusion, mistake, or deception in that consumers are likely to believe Applicant's Goods and Services are Opposer's Goods and Services or the goods and services of a person or company that is sponsored, authorized, or licensed by, or in some other way legitimately connected with or affiliated with, Opposer.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Application Serial No. 86/375,060 be denied registration.

Please debit our Deposit Account No. 502934 for the \$300 filing fee per Class and for any additional necessary fees.

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Please address all correspondence to Darya P. Laufer, Esq., Intellectual Property Counsel at
Roll Law Group P.C., 11444 West Olympic Boulevard, 7th Floor, Los Angeles, CA 90064.

Respectfully Submitted,

Date: July 17, 2015

Wonderful Citrus LLC f/k/a Paramount Citrus
LLC

By: /s/ Darya P. Laufer /s/

Darya P. Laufer, Esq.

Danielle M. Criona, Esq.

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Email darya.laufer@roll.com

Attorney for Opposer

CERTIFICATE OF SERVICE

I, Darya Laufer, hereby certify that a copy of this **NOTICE OF OPPOSITION** has been served upon Applicant:

QUALITY FRESH FARMS, INC.
2416 W SHAW AVE. STE 114
FRESNO, CALIFORNIA 93711-3303

by first class mail, postage prepaid, with a courtesy copy to the email addresses on file with the USPTO, gbillan@qualityfreshfarms.net, on this 17th day of July, 2015.

By: /s/ Darya Laufer /s/

Darya Laufer
Roll Law Group P.C.
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